

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE AIMMUNE THERAPEUTICS,
INC. SECURITIES LITIGATION

Case No. 20-cv-06733-MMC

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFFS'
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED IN CONNECTION WITH CO-
LEAD PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT; DIRECTIONS
TO PLAINTIFFS**

Before the Court is plaintiffs' "Administrative Motion to Consider Whether Another Party's Material Should Be Sealed," filed August 5, 2024 (Doc. No. 188 ("Administrative Motion")), whereby plaintiffs seek to file under seal the following materials, which, plaintiffs state, have been designated as confidential by other parties: (1) portions of "Co-Lead Plaintiffs' Memorandum of Points and Authorities in Opposition to Defendants' Motion for Summary Judgment" (Doc. No. 198); and (2) exhibits attached to the "Declaration of Juan E. Monteverde in Support of Co-Lead Plaintiffs' Opposition to Defendants' Motion for Summary Judgment" (Doc. No. 190 ("Monteverde Declaration")). In support of sealing, defendants and non-party BofA Securities, Inc. have filed responses to the Administrative Motion.

The Court having read and considered the above-referenced submissions, the Administrative Motion is hereby GRANTED in part and DENIED in part as follows:

1. To the extent the Administrative Motion seeks leave to file under seal portions of "Co-Lead Plaintiffs' Memorandum of Points and Authorities in Opposition to Defendants'

Motion for Summary Judgment,” the Administrative Motion is GRANTED as to the text highlighted in yellow on page 2 and pages 23-25 of Attachment 2 to the “Declaration of Christine McInerney in Support of Administrative Motion to Consider Whether Another Party’s Materials Should Be Sealed in Connection With Co-Lead Plaintiffs’ Opposition to Defendants’ Motion for Summary Judgment” (see Doc. No. 204-2).

In all other respects, the Administrative Motion is DENIED,” the designating parties not having sought to have other portions sealed.

2. To the extent the Administrative Motion seeks leave to file under seal the deposition transcript of William Jeffers (April 23, 2024) (Monteverde. Decl. Attachment 8, Doc. No. 188-8), the administrative motion is GRANTED as to the following page and line numbers:

- 63:6-7
- 63:13-15
- 63:17-21
- 64:2-8
- 103:24-25
- 204:24-205:8
- 205:18-20
- 209:21-24
- 210:4-5
- 214:4-12
- 214:18-21
- 215:6-10
- 215:21-22
- 216:5-6
- 216:12-15
- 217:9-14
- 217:18-19

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- 1 • 217:24-218:2
- 2 • 218:13-15
- 3 • 218:19-219:2
- 4 • 219:5-8
- 5 • 220:5
- 6 • 220:21-24
- 7 • 221:3-4
- 8 • 221:15-17
- 9 • 223:8-10
- 10 • 227:9
- 11 • 227:15
- 12 • 227:25
- 13 • 228:6-14
- 14 • 228:19-20
- 15 • 229:3-4
- 16 • 229:6
- 17 • 229:22-23
- 18 • 232:22
- 19 • 233:3
- 20 • 233:11-12
- 21 • 233:14-16
- 22 • 235:9-11
- 23 • 238:9-239:1
- 24 • 239:16-20
- 25 • 267:3-4
- 26 • 267:19-23
- 27 • 268:2-11
- 28 • 282:21-283:3.

1 In all other respects, the Administrative Motion is DENIED, the designating parties
2 not having sought to have other portions sealed.

3 3. To the extent the Administrative Motion seeks leave to file under seal the
4 deposition transcript of William Thiessen (January 24, 2024) (Monteverde. Decl.
5 Attachment 9, Doc. No. 188-9), the Administrative Motion is GRANTED as to the
6 following page and line numbers:

- 7 • 10:1-2
- 8 • 37:17-18
- 9 • 37:21
- 10 • 38:5-6 (“Nestle” to “correct”).

11 In all other respects, the Administrative Motion is DENIED, the designating parties
12 not having sought to have portions sealed.

13 4. To the extent the Administrative Motion seeks leave to file under seal Exhibit 52
14 to the Monteverde Declaration (Doc. No. 188-2), the Administrative Motion is GRANTED
15 as to the following:

- 16 • the text highlighted in yellow in Attachment 3 of the “Declaration of Christine
17 Mcinerney in Support of Administrative Motion to Consider Whether Another
18 Party’s Materials Should Be Sealed in Connection With Co-Lead Plaintiffs’
19 Opposition to Defendants’ Motion for Summary Judgment” (see Doc. No. 204-
20 3);
- 21 • the text highlighted in yellow in Attachment 2 of “Non-Party BofA Securities,
22 Inc.’s Administrative Motion to Redact Certain Personal and Confidential
23 Information in Non-Party Productions” (see Doc. No. 207-2).

24 In all other respects, the Administrative Motion is DENIED, the designating parties
25 not having sought to have other portions sealed.

26 5. To the extent the Administrative Motion seeks leave to file under seal Exhibit 78
27 to the Monteverde Declaration (Doc. No. 188-3), the Administrative Motion is GRANTED.

28 6. To the extent the Administrative Motion seeks leave to file under seal Exhibit 86

1 to the Monteverde Declaration (Doc. No. 188-4), the Administrative Motion is GRANTED.

2 7. To the extent the Administrative Motion seeks leave to file under seal Exhibit 92
3 to the Monteverde Declaration (Doc. No. 188-5), the Administrative Motion is GRANTED.

4 8. To the extent the Administrative Motion seeks leave to file under seal Exhibit 99
5 to the Monteverde Declaration (Doc. No.188-6), the Administrative Motion is GRANTED.

6 9. To the extent the Administrative Motion seeks leave to file under seal the
7 February 23, 2024 Expert Report of William Jeffers, CFA (Monteverde Decl. Ex. K, Doc.
8 No. 188-7, the administrative motion is GRANTED as to the following:

- 9 • pages 20-22, paras. 78-84
- 10 • page 26, para. 99 ("As" to "place.")
- 11 • page 26, para. 100 ("Both" to "2020.")
- 12 • page 44, para. 164 ("Nestle's" to "and")
- 13 • page 45, para. 165 ("Nestle" to "Aimmune.").

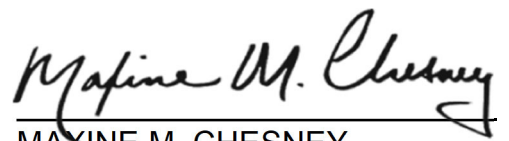
14 In all other respects, the Administrative Motion is DENIED, the designating parties
15 not having sought to have other portions sealed.

16 Plaintiffs are hereby DIRECTED to file in the public record, no later than fourteen
17 days from the date of this order revised redacted versions of:

- 18 a. "Co-Lead Plaintiffs' Memorandum of Points and Authorities in Opposition to
- 19 Defendants' Motion for Summary Judgment";
- 20 b. the deposition transcript of William Jeffers;
- 21 c. the deposition transcript of William Thiessen;
- 22 d. Exhibit 52 to the Monteverde Declaration;
- 23 e. the Expert Report of William Jeffers.

24
25 **IT IS SO ORDERED.**

26
27 Dated: September 26, 2024

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MAXINE M. CHESNEY
United States District Judge